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DECLARATION BY INVENTOR

FOR REISSUE APPLICATION UNDER 37 CFR 1.175

Commissioner for Patents
Washington, D.C. 20231

Sir:

As a below-named inventor, I hereby declare that:

1. My residence, post office address and citizenship is stated below next to my name.
2. I have reviewed and understand the contents of the specification and claims of the above-identified reissue application, and believe myself to be the original and first inventor of the invention described and claimed in the aforesaid reissue application, including the Preliminary Amendment filed concurrently therewith, and in U.S. Letters Patent No. 5,548,276 on which said reissue application is based.
3. I verily believe the original patent to be partly inoperative or invalid because of error without any deceptive intent on the part of the applicant. 37 CFR 1.175(a)(1). In particular, an excess or insufficiency in the claims is believed to make the original patent partly inoperative or invalid due to the patentee claiming more or less than the patentee had a right to claim in the patent. 37 CFR 1.175(a)(3). The statements below specify at least one error relied upon, and how they arose. 37 CFR 1.175(a)(5).
4. One error in the original patent is that claims 7 and 13 are independent claims that claim less than the patentee had a right to claim. Specifically, claims 7 and 13 recite a fire extinguishing apparatus, but the invention is equally applicable as a method, thus the apparatus limitations are unnecessary limitations to the invention.

5. All errors being corrected in the above-identified application arose without any deceptive intention.

6. I acknowledge a duty to disclose information of I am aware which is material to patentability as defined in 37 C.F.R. § 1.56.

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

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Inventor's Signature *Alan E. Thomas* Date 6/16/02

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